

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

AMTEX SECURITY, INC. D/B/A	§	
AMTEX GLOBAL SERVICES,	§	
	§	
Plaintiff,	§	
	§	C.A. No. 07-171
v.	§	
	§	
3M COMPANY,	§	
	§	
Defendant.	§	

**ORDER**

On this day came on to be considered Plaintiff Amtex Secutiry, Inc., D/B/A/ Amtex Global Services, Inc.'s (hereinafter, "Amtex") motion for reconsideration of the Court's July 17, 2007 Order staying the above-styled case until September 24, 2007 (D.E. 17, seeking reconsideration of D.E. 16). Specifically, Amtex seeks reconsideration of the Court's stay order for the purpose of filing Amtex' First Amended Complaint in the above-styled action. For the reasons set forth below, the Court hereby LIFTS the stay for the sole purpose of allowing Amtex to file its First Amended Complaint in this case. Amtex' First Amended Complaint must be filed by Wednesday, August 1, 2007. The STAY will remain in effect for all other purposes except to allow Amtex to file the above-referenced First Amended Complaint in this case.<sup>1</sup>

This case concerns a dispute between Plaintiff Amtex and Defendant 3M Company ("3M"). Essentially, Amtex claims that it

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<sup>1</sup>Amtex' proposed First Amended Complaint is attached to its motion for reconsideration as Exh. 1.

provided various services to 3M, for which 3M did not properly pay Amtex. (Plaintiff's Original Petition, pp. 1-3). Amtex filed suit against 3M in Texas state court, alleging causes of action for unjust enrichment, breach of contract, breach of the duty of good faith and fair dealing, and tortious interference with contractual relations. (Id.). 3M removed the case to this Court on April 12, 2007, on the grounds of diversity jurisdiction (D.E. 1, Notice of Removal).

Initially, the parties indicated that they were attempting to resolve their dispute, and they asked the Court for a sixty day stay of the case pending ongoing settlement negotiations (D.E. 2). The Court GRANTED the parties' request, and the case was STAYED from April 30, 2007 to July 29, 2007 (D.E. 4). The parties were not able to resolve their dispute by July 29, 2007.

3M maintains that the dispute between 3M and Amtex is covered by an arbitration clause in a Sub-Agreement entered into by the two parties. Amtex disputes this claim, and maintains that Amtex' various claims against 3M are not subject to arbitration under the above-referenced provision.

The arbitration clause in the Sub-Agreement states that any such arbitration is to take place in St. Paul, Minnesota. On July 2, 2007, 3M filed a "Complaint and Petition to Compel Arbitration and Stay Litigation" in the United States District Court for the District of Minnesota (D.E. 1, Case No. 0:07-cv-3198, 3M v. Amtex

Security, Inc., D. Minn). In this filing, 3M asks the Minnesota district court to enter an order compelling Amtex to arbitrate its dispute with 3M in St. Paul, Minnesota. Oral argument on 3M's petition to compel arbitration is currently scheduled for September 13, 2007, in the Minnesota district court.

On July 16, 2007, 3M filed a motion in this Court, seeking to stay the instant case pending a decision by the United States District Court for the District of Minnesota on 3M's petition to compel arbitration (D.E. 15). Because St. Paul is within the district of the United States District Court for the District of Minnesota, in accordance with Section 4 of the Federal Arbitration Act ("FAA"), this Court STAYED the instant case until September 24, 2007, to allow the Minnesota district court to determine whether the Amtex-3M dispute is covered by the relevant arbitration clause and should be submitted to arbitration in St. Paul. Section 4 of the FAA states that the "hearing and proceedings" under an arbitration agreement "shall be within the district in which the petition for an order directing such arbitration is filed." 9 U.S.C. § 4. As set forth in this Court's July 17, 2007 Order, the Minnesota district court is the appropriate forum to determine whether 3M and Amtex should be ordered to submit their dispute to arbitration in St. Paul.

Amtex now asks this Court to lift the stay of this case, for the purpose of filing an amended complaint adding additional causes

of action against 3M and clarifying the nature of the Amtex-3M dispute. The Court determines that the stay should be lifted for the sole purpose of allowing 3M to file its First Amended Complaint in the above-styled action. Amtex' amended complaint should be on file in advance of the September 13, 2007 hearing before the Minnesota district court regarding 3M's petition to compel arbitration. This is necessary so that the Minnesota district court will have full information regarding the dispute between Amtex and 3M, when deciding whether that dispute should be ordered to arbitration under the clause in the Sub-Agreement.

Based on the above, the Court hereby ORDERS that the STAY of this case is LIFTED for the sole purpose of allowing Amtex to file its First Amended Complaint in the above-styled action. Amtex must file its First Amended Complaint by Wednesday, August 1, 2007. For all other purposes, the STAY issued by this Court in its July 17, 2007 Order (D.E. 16) remains in full effect, and this case remains STAYED until Monday, September 24, 2007.

SIGNED and ENTERED this 27th day of July, 2007.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line.

Janis Graham Jack  
United States District Judge